UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/526,022	02/25/2005	Hajime Seki	SEKI3006/FJD	4627

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EXAMINER
NGUYEN, THU N

ART UNIT	PAPER NUMBER
2161	

MAIL DATE	DELIVERY MODE
12/23/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
	10/526,022	SEKI, HAJIME
Office Action Summary	Examiner	Art Unit	
	Thu Nga Nguyen	2161	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on 8/11/2009.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>6-9</u> is/are pending in the application.

     4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>6-9</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

     a)☐ All   b)☐ Some * c)☐ None of:

         1.☐ Certified copies of the priority documents have been received.

         2.☐ Certified copies of the priority documents have been received in Application No. _____.

         3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

     * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Claims 6-9 are pending.

Claims 7, 9 have been amended.

Response to Arguments

1.   Applicant's arguments filed 8/1/2009 have been fully considered but they are not persuasive.

2.   Applicant argues that Clift does not disclose "stack management system".

3.   In response to applicant's arguments, the recitation "stack management system" has not been given patentable weight because the recitation occurs in the preamble. A preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951).

4.   Applicant argues that "the word 'stack' is not to be found in Clift's specification".

5.   In response to Applicant's argument, the Examiner submits that Clift discloses "register, array". Register and array in Clift is equivalent to "stack". Therefore, Clift discloses "stack" .

        Therefore, the examiner asserts that cited prior art teaches or suggests the subject matter broadly recited in independent claims.

Applicants still have failed to identify specific claim limitations that would

define a patentable distinction over cited prior arts.

Claim Rejections - 35 USC § 102

(e) the invention was described in (1) an application for patent, published under section
122(b), by another filed in the United States before the invention by the applicant for patent or
(2) a patent granted on an application for patent by another filed in the United States before
the invention by the applicant for patent, except that an international application filed under
the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an
application filed in the United States only if the international application designated the United
States and was published under Article 21(2) of such treaty in the English language.

6.   Claims 6-9 are rejected under 35 U.S.C. 102(b) as being anticipate by Clift

et al (U.S. Patent No 6,633,970).

7.   As per claim 6, Clift discloses a look-ahead stack management system for

configuring a look-ahead state of an operand stack in a computer system

capable of out -of-order execution, comprising:

a data storing means having entries each being able to hold data (Clift:

Figure 2, and Abstract, *register file stored data)*; and

a look-ahead mapping means having entries each being able to hold an

entry address in said data storing means, wherein (Clift: Figure 2, and column 2

lines 60-67 column 3 lines 1-33, *primary array stored register files)*, wherein:

each time a modification is to be made on said operand stack, said look-

ahead mapping means is so modified that, for each entry of said look-ahead

mapping means that is to hold an entry address in said data storing means

allocated to an operand stack element, the address of the entry of said look-ahead mapping means is to indicate the number of operand stack elements over said operand stack element (Clift: Figure 2 and column 5 lines 11-36).

As per claim 7, Clift discloses a look-ahead stack management system for configuring a look-ahead state of an operand stack in a computer system capable of out -of-order execution, comprising:

a data storing means having entries each being able to hold data (Clift: Figure 2, and Abstract, *register file stored data)*; and

a look-ahead mapping means having entries each being able to hold an entry address in said data storing means (Clift: Figure 2, and 60-67 column 3 lines 1-33, *register file stored data*), wherein:

each time a modification is to be made on said operand stack, said look-ahead mapping means is so modified that, for each entry of said look-ahead mapping means holding an entry address in said data file allocated to an operand stack element, if the entries of said look-ahead mapping means is to hold an entry address in said data storing means allocated to an operand stack element, the number of operand stack elements over the operand stack element whose value is one of: is held and to be held in the entry of said data storing means indicated by the address held in the entry of said look-ahead mapping means is to be unchanged (Clift: Figure 2 and column 5 lines 11-36).

As per claim 8, Clift discloses a look-ahead stack management system for configuring a look-ahead state of an operand stack in a computer system capable of out -of-order execution, comprising:

a data storing means having registers each being able to hold data (Clift: Figure 2, and Abstract, *register file stored data)*; and

a look-ahead mapping means having registers each being able to hold a register number in said data file data (Clift: Figure 2, and 60-67 column 3 lines 1-33, *primary array stored register files)*, wherein:

each time a modification is to be made on said operand stack, said look-ahead mapping means is so modified that, for each register of said look-ahead mapping means that is to hold a register number in said data storing means allocated to an operand stack element, the number of the register of said look-ahead mapping means is to indicate the number of operand stack elements over said operand stack element (Clift: Figure 2 and column 5 lines 11-36).

As per claim 9, Clift discloses a look-ahead stack management system for configuring a look-ahead state of an operand stack in a computer system capable of out -of-order execution, comprising:

a data storing means having registers each being able to hold data (Clift: Figure 2, and Abstract, *register file stored data)*; and

a look-ahead mapping means having registers each being able to hold a register number in said data file (Clift: Figure 2, and 60-67 column 3 lines 1-33, *register file stored data)*, wherein:

each time a modification is to be made on said operand stack, said look-ahead mapping means is so modified that, for each register of said look-ahead mapping means holding a register number in said data file allocated to an operand stack element, if the register of said look-ahead mapping means is to hold a register number in said data storing means allocated to an operand stack element, the number of operand stack elements over the operand stack element whose value is one of: held and to be held in the register of said data file indicated by the number held in the register of said look-ahead mapping means is to be unchanged (Clift: Figure 2 and column 5 lines 11-36).

Conclusion

8.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thu Nga Nguyen whose telephone number is 571-270-1765. The examiner can normally be reached on Mon-Thurs from 8:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Apu Mofiz can be reached on 571-272-4080. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Etienne P LeRoux/
December 17, 2009   Primary Examiner, Art Unit 2161

/T. N./
Examiner, Art Unit 2161